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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,833	08/27/2003	Katsumi Okamoto	Q77114	3927

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EXAMINER

NGO, HOANG X

ART UNIT PAPER NUMBER

2852

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/648,833	<b>Applicant(s)</b> OKAMOTO, KATSUMI	
	<b>Examiner</b> Hoang Ngo	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-41 and 51 is/are allowed.
- 6) ☒ Claim(s) 42-47, 50, 52 and 53 is/are rejected.
- 7) ☒ Claim(s) 48 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: page 7, line 4, the term "bearding" should be changed to - bearing- - to correctly describing the function. Appropriate correction is required.
2. Claims 42, 51, 52 are objected to because of the following informalities: line 2, the term "bearding" should be changed to - bearing- - to correctly describing the function. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 42-47, 50, 52, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan et al.

Buchanan et al disclose an image forming apparatus having a developing device 110 comprising a developer bearing member 124 for bearing developer including a rotation shaft (reference number not shown, see Fig. 2); a shaft bearing member (reference number not shown, see Fig. 2) for receiving the rotation shaft; a thickness restricting unit 121 having a thickness restricting member for restricting a thickness of a layer of the developer (Col. 3, lines 65-67), wherein the position of the thickness

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restricting unit is determined by the shaft bearing member (the position is maintained by the back section 18, see Col. 5, lines 25-30).

Buchanan et al further disclose the thickness restricting member abuts against the developer bearing member (Col. 4, lines 55-58) and having a plurality of holes (no reference number, see Fig 2; the shaft bearing member having a plurality of protrusions (no reference number, see Fig. 2); and the position of the thickness restricting unit is determined by fitting the protrusion into the holes (see Fig. 2); a housing 129 for containing the developer (Col. 5, line 30).

***Allowable Subject Matter***

5. Claims 1-41 and 51 are allowed.
6. Claims 48 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teaches a spacing between two of the fixing portion located in a central section in a longitudinal direction of the developer charging member is shorter than a spacing between two of the fixing portion located at an end section in the longitudinal direction of the developer charging member; a pressing portion for pressing the developer charging member towards the developer member, wherein a pressing force caused by the pressing portion and exerted on an end section, in the axial direction of the developer bearing member becomes smaller from an end in the axial direction towards a center of the developer bearing member; a direction from a

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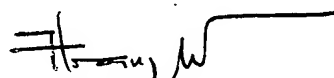
center of the first hole towards a center of the second hole intersects a direction of a counterforce that the thickness restricting member receives from the developer bearing member.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Ngo whose telephone number is (571) 272-2138. The examiner can normally be reached on 6:00am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoang Ngo  
Primary Examiner  
Art Unit 2852

Hxn